



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING

LIESL EICHLER CLARK
DIRECTOR



December 22, 2021

UPS NEXT DAY DELIVERY

Mr. Steven Pitsch
Pitsch Companies
675 Richmond Street NW
Grand Rapids, Michigan 49504

Mr. Jeff Kern
3171 West Olympic Boulevard
Los Angeles, California 90006

ID: U562106365; Midland County

Dear Mr. Pitsch and Mr. Kern:

VIOLATION NOTICE

On December 16, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection at 1150 West Wackerley Street, Midland, Midland County, Michigan.

The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR), Part 61, Subpart M (National Emission Standard for Asbestos), and Rule 942 of Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to our investigation, Mr. Kern is the owner of the property and Demolition Contractors of Pitsch Companies performed the demolition activities at the site. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the investigation staff observed the following:

The subject structure was in the process of being demolished with asbestos containing material still in place. On December 8, 2021, I conducted an inspection of the site and had a discussion with SBS (the general contractor onsite). It was discussed that more water needed to be used on the building, debris, debris piles, and concrete slab in order to keep it wet and to prevent any visible emissions in order to be in compliance with NESHAP. During my inspection on December 16, 2021, I noticed several piles of metal from the demolition that were dry. The main demolition debris pile next to the building was also dry and dust from the debris pile was being generated by the wind. I talked with the crew from Pitsch and Brian Taylor of SBS, and told them that the debris piles, and concrete slab must be kept wet at ALL times until disposed of in an approved landfill.

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Mr. Pitsch & Mr. Kern

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Process Description	Section Violated	Comments
Visible emissions from asbestos containing waste material generated by source.	40 CFR §61.150(a)	Failure to keep debris wet resulting in visible emissions from the debris piles.
Failure to adequately wet asbestos-containing waste materials at all times after demolition.	40 CFR §61.150(a)(3)	Failure to keep demolition debris wet at all times after being demolished.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by January 12, 2022 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations, and the date(s) by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The *signed* written response from the *owner and operator* to this violation notice, may be submitted by mail and directed to my attention at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to BrownJ9@Michigan.gov and WolfJ2@Michigan.gov.

If you believe the above observations or statements are inaccurate or do not constitute a violation of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violations cited above and for the cooperation extended to me during our conversation. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; e-mail at BrownJ9@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown
Senior Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Brad Myott, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE